

Barnsdall School District

Jim L. Reynolds, Superintendent
P. O. Box 629
200 South 8th Street
Barnsdall, Oklahoma 74002
Phone (918) 847-2271
Fax (918) 847-3029

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FCC MAIL ROOM

Tom Luckinbill
High School Principal

Regina Henderson
Elementary Principal

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November 27, 2000

Federal Communications Commission
Office of Secretary
445 12th Street SW, Rm. TW-A325
Washington, DC 20554

CC Docket Number: 96-45
Letter of Clarification on Order Number FCC 00-260

Dear Sir or Madam:

Barnsdall School District (Entity Number 140033) is one of the school districts whose Year 3 E-rate funding requests were denied because of possible irregularities by MasterMind. As a matter of clarification, the district needs to know whether or not Order Number 00-260 was meant to impose a limitation on qualified services provided between July 1, 2000 and October 6, 2000 (the allowable contract date for our particular district).

During the process of reapplying for Year 3 E-rate funds, the district was informed by several sources—SLD Client Service Bureau, Oklahoma State Department of Education, and various service providers—that the service start date on FCC Form 471, Block 5, Item 19, should be entered as 07/01/2000, the beginning date for Year 3 E-rate funding.

However, on November 3, 2000, the question concerning the service start date was posed to SLD Client Technical Support, the department providing support for applicants affected by Order Number 00-260 during the reapplication process. Barnsdall School District was told that the Service Start Date must be after the Allowable Contract Date, which would, in effect, hinder the district from reapplying for E-rate funds for those qualified services provided between July 1, 2000 and October 6, 2000.

The services in question are telecommunications services and include basic telephone, long distance, and cellular services along with a T-1 circuit. A list of the specific services, providers, and charges involved is attached.

Barnsdall School District believes a clarification is in order for the following reasons:

1. Affected applicants did not receive notification of the denial of funds and the opportunity for reapplication until after August 11, 2000. The services in question were already being received at that time.

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2. The services were already in place, having been approved for funding by SLD during Year 2.
3. The services are tariffed or month-to-month services.
4. Because the services are telecommunications, they are considered Priority 1 services by the SLD/USAC.
5. The services are outside the realm of the MasterMind/AT&T "distance learning package" situation.
6. FCC Order Number 00-260 states in Item 1, "We also direct the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("Administrator") to take steps to ensure that the applicants affected by this waiver receive the opportunity to re-file their entire Year 3 applications for support from the universal support mechanism for eligible schools and libraries." It seems that if the district is not allowed to reapply for services from July 1 – October 5, 2000, they are not receiving the opportunity to re-file their entire Year 3 application.
7. The order further states in Item 5, "As a matter of fundamental fairness, therefore, we are compelled to take action to restore the affected applicants to the position they would have been in but for the evidence of possible irregularities by Mastermind uncovered by the Administrator."
8. Item 12 states, " We believe that the waivers we are granting to the affected applicants in this Order, and the measures we are directing the Administrator to take, are reasonable and equitable steps that will ensure that all applicants who were potentially harmed by the possible irregular actions of a service provider will be placed in the position they would have been but for the actions of the service provider."

Barnsdall School District appreciates the opportunity to reapply for Year 3 funding. However, the district believes that, because of the reasons stated and the language of FCC Order Number 00-260, qualified services from the beginning of funding Year 3 should be considered as part of the district's funding request.

The district's FCC Form 471 to reapply for Year 3 E-rate funding has been submitted to the SLD with service start dates on or after October 6, 2000, the allowable contract date from the FCC Form 470. At this point in time, the district has not submitted a funding request for services provided from July 1, 2000 – October 5, 2000.

Please clarify your position on funding for the months of July, August, and September of 2000, and notify us as to how, or whether, we should proceed to request funding for qualified services provided from July 1, 2000 – October 5, 2000.

Thank you for your consideration.

Sincerely,



Jim L. Reynolds
Superintendent
Barnsdall School District
Entity Number 140033

Attachment

Barnsdall School District
 200 S. 8th Street
 P. O. Box 629
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List of E-rate Services and Charges July 1, 2000 through October 5, 2000

BARNSDALL SCHOOL DISTRICT E-RATE Entry Number 140033							
Provider Name Service Description	Monthly Charges	Number Months	Total Charges 7/1/2000- 10/05/2000	SLD Discount	SLD Funding	Cost to District w/ E-rate Funding	Cost to District w/o E-rate Funding
Valor Telecommunications Basic Telephone Service	\$763.10	3	\$2,289.30	72%	\$1,648.30	\$341.00	\$2,289.30
AT&T Long Distance Basic Long Distance	\$215.16	3	\$645.48	72%	\$464.75	\$180.73	\$645.48
AT&T Wireless Services Cellular Phone Service	\$80.27	3	\$240.81	72%	\$173.38	\$67.43	\$240.81
Southwestern Bell T-1 Frame Relay Service	\$219.41	3	\$658.23	72%	\$473.93	\$184.30	\$658.23
SBC Advanced Solutions, Inc. T-1 Frame Relay Service	\$406.00	3	\$1,218.00	72%	\$876.96	\$341.04	\$1,218.00
Valor Telecommunications of Oklahoma T-1 Frame Relay Service	\$384.51	3	\$1,153.53	72%	\$830.54	\$322.99	\$1,153.53
TOTALS			\$6,205.35		\$4,467.85	\$1,737.50	\$6,205.35